

MINUTES

UTAH BOARD OF MASSAGE THERAPY Meeting

January 17th, 2012
Room 474 – Fourth Floor – 9:00 a.m.
Heber M. Wells Building
Salt Lake City, UT 84111

CONVENED: 9:01 a.m.

ADJOURNED: 12:55 p.m.

Bureau Manager:

Sally A. Stewart

Board Secretary:

Sally Canavan

Board Members Present:

Sharon Muir, Chairperson
Hal Morrell
Carolyn Redington
Jennifer Hanna

Board Members Excused:

Craig Sauer

Guests:

Roger Olbrot, Myotherapy College of Utah
Nicole Desjarlais, Affinity E Health
Troy Bever, Self
Jeff Stucki, Self
Thomas L Shurtz, support for Carolyn Hanlin
Sylvia Jay Noon, Self
Susan DeLegge, AMTA
Julie Fuller, support for Zachary Timothy
Tracy Fuller, support for Zachary Timothy
Ron Findlay, AMTA

DOPL Staff Present:

Neena Bowen, Compliance Specialist
Dr Charles Walton, Diversion Manager

ADMINISTRATIVE BUSINESS: **MINUTES:**

PROBATION INTERVIEWS:
Jennifer Anna Boley

DECISIONS AND RECOMMENDATIONS

The minutes from the November 15th, 2012 meeting were reviewed. Ms. Redington made a motion seconded by Mr. Morrell to approve the minutes with corrections. The motion passed unanimously.

Ms. Redington interviewed Ms. Boley. She stated she had a good holiday season. There is a new apprentice at the shop her supervisor is Angela. She stated she has been hanging out with her mom and her boyfriend learning about things on the bottom of the sea and blister beetles. She stated she is getting ready to do

Jennifer Anna Boley (continued)

income taxes; she is doing things to try to secure her future. Ms. Boley requested to bring her employer reports in person. The Board noted that would be fine as long as the reports get in on time to make the report for the Board meeting. The Board noted her probation is up in August 2012. She stated she is looking for early release. The Board requested she write a letter requesting early release and detail what she has learned. The Board requested to see her at the May 15th, 2012 meeting. **Compliant**

Meghan Marie Elvin

Ms. Hanna interviewed Ms. Elvin. She stated is working in the field and she makes her testing calls before she even gets out of bed. The Board noted the employer reports are coming in fine. She stated she will request the employer continue sending in weekly employer reports, to make sure the quarterly ones are in. She stated she is working 40 hours a week. The Board recommended a massage for her to be scheduled noting that is a very hard schedule. The Board requested to see her at the March 20th, 2012 meeting. **Compliant**

Aaron Thomas Keefe

Mr. Morrell interviewed Mr. Keefe. He stated life is going good. He stated he was glad the holidays were over. The Board noted Holidays can get dragged out to long. He stated he is no longer working at Kimberly Clark, he had hurt his back. The temporary agency he had been working at said he can come back in six months. He stated he is still learning different modalities of yoga. The Board noted his employer reports need to come in. He stated he is trying to do more massage work. He noted the Affinity program is working better, he did miss calling in for testing on Friday, but did not miss a test. He stated he plans to go to Hawaii. The reminded him to talk to Ms. Bowen, she can set up the Affinity program, for traveling. Mr. Keefe asked about early release. The Board noted he would have to do everything and it would have to be perfect, no more missed calls. He stated his massage license is something he really wants. The Board requested to see him at the March 20th, 2012 meeting. **Compliant**

Scott K Morrison

Ms. Muir interviewed Mr. Morrison. He stated he does not care for the new parking system and with the snow it is hard to tell the parking lines, which makes it

Scott K Morrison (continued)

difficult to make sure you are paying the right meter. He stated his chaperone has fourteen children and with the holidays scheduling was hard. He stated he thought about getting an alternated chaperone. The Board noted the employer reports are coming in good. He stated his client load is good and hung in there after the holidays. He noted he has kind of a steady clientele. The Board noted they want to support him, he is coming up on one year. Mr. Morrison stated he is serious about everything in his order. The Board stated they could tell he was serious because he was being compliant. The Board requested to see him at the March 20th, 2012 meeting. **Compliant**

Alice Ray

Ms. Hanna interviewed Ms. Ray. She stated she was working at the Center for Massage; there were only two shifts available. She stated in December she went to California for 2 weeks to see daughter. She stated she had cleared that with Ms. Bowen. She stated she is back in Utah and is working at the Center for Massage she is working a little more steadily. She stated she was homeless for awhile. She stated she is renting a room with a friend and Ms. Bowen has her current address and she got the letter to be here today. She stated she feels like everything is going in the right direction. She stated she is calling in every day. She stated she personally ran her report to Ms. Bowen, so it would be here in time for the next report. She stated her license is really important to her. She stated she would like to be compliant and she knows she does not need drugs. The Board noted she has 18 months to end of probation. She stated she is committed and wants her massage license. The Board reminded her not to miss any calls. She stated she would eventually like to be an instructor for an apprenticeship. The Board reminded her probation has to be over for five years before she can apprentice someone. The Board also reminded her to make sure she does not miss any calls. The Board requested to see her at the March 20th, 2012 meeting.

Non Compliant

Charla Michele Tuttle (Telephone interview)

Ms. Redington interviewed Ms. Tuttle by telephone. Ms. Redington apologized that the Board was late calling her. The Board noted her employer reports are now due quarterly. The employer reports were very favorable stating her attitude had improved.

Charla Michele Tuttle (Telephone interview)
(continued)

tremendously, that she was a key-player with no signs of substance abuse. She noted the Interlock device was removed from her car in November. She stated the Holidays were fine. To keep the Board and her on track, the Board would like to have her come in person for the March meeting. She stated no snow at ski resort but he resort is making snow. The Board reminded her to stay in compliance till we see her. The Board requested to see her at the March 20th, 2012 meeting.

Compliant

Roger Newcomb

Ms. Hanna interviewed Mr. Newcomb. The Board noted it had not been able to reach him. He stated his work sent him out of town and when he returned his friends he had been staying with asked him leave. He noted his address will be changing. He stated his friends tell him there are really good opportunities in Boise. He has decided to leave his dog. He stated he plans to go to Washington D.C. in early February 2012. He stated he will be working with a moving company and it looks like he will be gone eleven weeks. He stated today he would give the compliance unit his new address and have everything go to a Boise address. The Board requested to see him at the May 15th, 2012 meeting. **Non Compliant**

Kevin Rock

Mr. Morrell interviewed Mr. Rock. The Board noted his probation was up April 6th, 2012. The Board requested he send a letter to the Board as for release, detailing what he has learned, the pros and cons of probation. The Board encouraged him to put down the cons, if had had some. He stated he had been on probation for seven years. The Board requested the letter be e mailed so it could be emailed out to the Board before the next meeting in March 2012. The Board noted they had a current list of his clients. The board requested to see him at the March 20th, 2012 meeting. **Compliant**

NEW STIPULATIONS:

Zachary Timothy (out of order, appointment time 10:25 a.m.)

Mr. Morrell interviewed Mr. Timothy. This is Mr. Timothy's initial meeting with the Board. He prefers to be addressed as Zach. He went over his probations requirements with the Board he stated he understands them. He stated he is currently looking for a job closer to his home. The Board noted even though not working he needs to make the daily testing phone call and the employer report completed. The Board noted

Zachary Timothy (continued)

he still needs to do the Professional in Recovery program (PIR). The Board discussed there is no PIR program in his area. The Board gave him instructions on accessing Affinity's 12 Step program. He stated he graduated from UCMT in August and had no idea his background would cause him to be on administrative probation. He stated he would like to continue doing massage and he prefers the Shiatsu or modality. Ms. Hanna suggested extending the time on his MOU to allow him time to find a job and know more information on his living arrangements. The Board would like to see how he is doing by the next Board meeting. The Board reminded him to be proactive get going on his 12 steps program and to calls to Affinity. If he is scheduled to test, he should call Ms. Bowen and have it excused. Ms. Hanna made a motion seconded by Mr. Morrell that says Zach will continue to comply with his MOU as he continues to look for employment as a massage therapist also that a 12 step program will be alternatively accepted in place of a PIR group where the PIR group is not available. The vote was unanimous. The Board requested to see him at the March 20th, 2012 meeting. **Compliant**

Mary Beth Lindsey

Ms. Muir interviewed Ms. Lindsey. Ms. Redington made a motion seconded by Ms. Hanna to close the meeting. The vote was unanimous. The meeting was closed at 12:14 p.m.

Ms. Hanna made a motion seconded by Ms. Redington to reopen the meeting. The vote was unanimous. The meeting was reopened at 12:37 p.m. The Board requested to see her at the March 20th, 2012 meeting. The Board noted a telephone interview may be available if she is compliant. A telephone interview can be scheduled for the first few appointments of the day. **Compliant**

DISCUSSION ITEMS:

Law and Rule

The Board discussed the Rule hearing held on January 9th, 2012. As of that date there had been no comment, either written or otherwise. There were no members of the public or members of the Board in attendance, which is not unusual for a Rule hearing. There have since been comments sent favoring and opposing views. There was an interview with Ms. Muir and KCPW explaining the reason there was the need for the Rule change. It was to clarify the terms that are

Law and Rule (continued)

already in existence in the existing law. The comment period on this is scheduled to run through today and then it will be determined by the Director as to whether or not to implement it January 24th, 2012. It is merely clarification not any type of a change. The one word being defined is “manipulation” as it pertains to the definitions contained in Massage Therapy Practice Act. There were members of the public at the Massage Therapy Board meeting who voiced concerns stating the definitions was too restrictive. Ron Findlay from the AMTA requested to go on record stating he is in favor of the clarification. The Board stated “manipulation means contact with movement involving touching the clothed or unclothed body”. The Board noted opposing and favorable comments to defining the one word.

The Board also noted for the public that most of the time investigators are sent out to people’s places of business when the Division has received a complaint. Mr. Bever stated that many businesses, including those represented by Mr. Stucki and Ms. Moon, were listed on various advertising websites under sexually oriented businesses, adult entertainments and escort services. Mr. Stucki wanted to go on record stating he strongly opposed any kind of affiliation of his company with prostitution or the adult oriented businesses. He also stated he had never been cited for that type of business. The County inspects his business and does not deem it as an adult oriented business. The Board noted all comments will be passed on to the Director.

Relicensing (renewal) for Troy Bever

The license in question was denied renewal following failure to provide any response to the conditional denial letter that had been sent. In accordance with the final denial letter he requested an Agency Review. It was determined he had the right to appear before the Board. At the time of Agency Review he provided additional information which he had not provided initially in response to the Division letter. The Board noted he can apply for renewal of license.

Mr. Bever stated he has a rare disease where he can be paralyzed for days. He is on a medical disability currently because of his physical illness. Because of his physical disease Mr. Bever was indisposed for the entire time from May 31st to July 28th, a period of two

Troy Bever (Continued)

months. The Division did not receive any response, nor documentation at that time. He stated he has been waiting a year to see a specialist doctor. The Board suggested he get his Police report, Court report, Personal narrative and medical documentation together before he re applies for renewal. Those documents will still be required for renewal consideration. The cost will be \$102.00 for renewal/reinstatement. The Board discussed if there is an unresolved criminal action where there is not a final disposition from the court that a conditional license may be issued. Our legal system requires if someone is charged they are presumed innocent until proven guilty. The Division will follow the individual; if the individual is found guilty the Division will then consider a Memorandum of Understanding and Order. The Board suggested he not say any more with regard to pending charges as the meeting is recorded.

Apprenticeship Transfer Options

The Board decided to table this discussion item until more information is available.

NEXT SCHEDULED MEETING:

Tuesday, March 20th, 2012

ADJOURN:

12:55 p.m. (no motion required)

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

Date Approved

Chairperson
Board of Massage Therapy

Date Approved

Bureau Manager
Division of Occupational & Professional Licensing